Message Text

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC PRIORITY 8660

CONFIDENTIAL MANILA 13936

E. O. 11652: GDS TAGS: PINS, RP

SUBJECT: CONGRESSIONAL CONCERN OVER CURRENT POLITICAL SITUATION

IN PHILIPPINES: OSMENA/LOPEZ HUNGER STRIKE

REF: STATE 258671, MANILA 13877

SUMMARY: EMBASSY HAS EXPRESSED TO PHILIPPINE GOVERNMENT OFFICIALS GROWING CONGRESSIONAL CONCERN OVER TREATMENT OF POLITICAL PRISONERS INCLUDING OSMENA/LOPEZ. GOP HAS ADVISED US IT NOW PLANS CIVILIAN TRIAL OF THEM FOR ATTEMPTED MURDER.

1. EMBASSY HAS PASSED WORD TO PHILIPPINE GOVERNMENT VIA DFA (COLLANTES), DEPARTMENT OF JUSTICE (SOLICITOR GENREAL MENDOZA), DEPT OF PUBLIC INFORMATION (TATAD) AND MILITARY TRIBUNALS (GENERAL SYJUCO) OF GROWING CONGRESSIONAL CONCERN OVER STATUS OF POLICITIAL PRISONERS IN THE PHILIPPINES WITH PARTICULAR REFERENCE TO THE OSMENA/LOPEZ HUNGER STRIKE.

2.IN THE COURSE OF OUR DISCUSSIONS WE HAVE NOW RECEIVED CONFIRMATION THAT THE GOVERNMENT WILL BRING CHARGES AGAINST OSMENA AND LOPEZ ON THE GROUNDS OF ATTEMPTED MURDER.TATAD AND MENDOZA BOTH SAID THE TRIAL WILL BE IN A CIVILIAN COURT, PROBABLY A COURT OF FIRST INSTANCE IN THE MANILA AREA.SUCH A CASE WOULD BE APPEALABLE THROUGH COURT OF CONFIDENTIAL

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APPEALS TO THE SUPREME COURT. A GOVERNMENT STATEMENT TO

THIS EFFECT IS EXPECTED SHORTLY.

3. DFA SENT INSTRUCTIONS TO ITS POSTS ABROAD FOR HANDLING QUERIES ON OSMENA/LOPEZ NOVEMBER 25.STATEMENT, WHICH IS NOT UP TO SPED WITH COMMENTS ABOVE, FOLLOWS:

QUOTE: EUGENIO LOPEZ, JR., AND SERGIO OSMENA III ARE CHARGED WITH THE FRUSTRATED ASSASSINATION OF THE PRESIDENT. THE EVIDIENCE IS STRONG AND INCONTESTABLE.GUILT HAS ALSO BEEN ADMITTED. HOWEVER, THERE HAS BEEN NO TRIAL AS YET BECAUSE OF PENDING CASES IN THE SUPREME COURT FILED BY BENIGNO AQUINO, JR., QUESTIONING THE JURISDICTION AND THE VERY CREATION OF THE MILITARY TRIBUNALS THAT ARE TRYING THE ACCURSE. END QUOTE.

4. WE ASSUME THAT THE WELL PUBLICIZED FAST OF OSMENA AND LOPEZ IN THE FOREIGN PRESS AND THE ASSOCIATION OF THE ARCH-BISHOP WITH THE OSMENA/LOPEZ REQUEST FOR A SPEEDY RESOLUTION OF THEIR CASE HAS FORCED THE GOVERNMEMT'S HAND. ALTHOUGH THE SOLICITOR GENERAL TOLD THE POLITICAL COUNSELOR THAT THE PRESIDENT HAD BEEN WORKING ON A NEW APPROACH TO DETAINEES, WE DOUBT THAT THE DECISION TO TRY OSMENA AND LOPEZ IS DUE TO GOVERNMENT INITIATIVE. THE GOVERNMENT SHOULD BE ABLE TO USE SUCH EVIDENCE AS IT HAS ON HAND TO GOOD EFFECT IN WHAT WILL OBVIOUSLY BE AN EXTREMELY WELL PUBLICIZED TRIAL. THE REGIME NO DOUBT ANTICIPATES WITH SOME MISGIVINGS. HOWEVER, THAT ANY PUBLICITY CONCERNING THE TRIAL WILL GO BEYOND A SIMPLE EVALUATION OF EVIDENCE AGAINST OSMENA ANDLOPEZ INTO THE NATURE AND CONDUCT OF THE NEW SOCIETY, INCLUDING THE EXCESSIVELY LONG DETENTION OF OSMENA AND LOPEZ AND, POTENTIALLY, THE TREATMENT OF PRESUMED OPPONENTS OF THE REGIME SUCH AS SANTIAGO ARCE AND MARSMAN ALVAREZ (SEE SEPTEL). SULLIVAN

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